

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

JOSHUA SCHMITT, Individually and on)
Behalf of All others Similarly Situated,)
)
)
Plaintiff,)
) C.A. No. 1:20-cv-06028-NGG-SJB
v.)
)
CHINA XD PLASTICS COMPANY,) **STIPULATION AND [PROPOSED]**
LIMITED, FAITH DAWN LIMITED, FAITH) **ORDER ON EXTENDING TIME TO**
HORIZON, INC., XD ENGINEERING) **RESPOND TO COMPLAINT AND**
PLASTICS COMPANY LIMITED, JIE HAN,) **SETTING BRIEFING SCHEDULE ON**
TAYLOR ZHANG, LINYUAN ZHAI, HUIYI) **ANY MOTION TO DISMISS**
CHEN and GUANBAO HUANG,)
)
Defendants.)

Plaintiff Joshua Schmitt and Defendants China XD Plastics Company Limited (“China XD”) and Faith Horizon, Inc. hereby stipulate and agree as follows:

WHEREAS, on December 10, 2020 Plaintiff filed the complaint in the above-captioned action (the “Action”) against China XD, Faith Horizon, Inc., and Defendants Faith Dawn Limited, XD Engineering Plastics Company Limited, Jie Han, Taylor Zhang, Linyuan Zhai, Huiyi Chen, and Guangbao Huang (collectively, “Defendants”) (Docket No. 1);

WHEREAS, on February 2, 2021 Plaintiff agreed to extend the time for China XD and Faith Horizon, Inc. to respond to the complaint to 21 days after the entry of an order denying Defendants’ forthcoming motion to stay the Action;

WHEREAS, on February 5, 2021 Defendants moved to stay the Action (the “Stay Motion”) (Docket No. 16);

WHEREAS, on February 17, 2021, during the pendency of the Stay Motion, Plaintiff filed the amended complaint in the Action (the “Amended Complaint”), a putative class action arising

under the Securities Exchange Act of 1934 (“Exchange Act”), including the Private Securities Litigation Reform Act of 1995 (the “PSLRA”), 15 U.S.C. § 78u-4 (Docket No. 19);

WHEREAS, on April 19, 2021, the Court denied the Stay Motion as moot and ruled the Action was subject to the automatic stay provision of the PSLRA, § 78u-4(b)(3)(B), and imposed a stay of discovery during the pendency of a motion to dismiss to be filed by the Defendants;

WHEREAS, pursuant to the PSLRA, lead plaintiff motions have been filed, (Docket Nos. 21, 22, and 23) subject to the Court’s approval, 15 U.S.C. § 78u-4(a)(3)(B)(v), and thereafter an operative complaint will be identified or filed;

WHEREAS, the parties agree that, in the interests of judicial economy, conservation of time and resources, and orderly management of this Action, no response to any pleading in this Action should occur until after the Court appoints a lead plaintiff and lead counsel pursuant to the PSLRA and an operative complaint is identified, and that a schedule should be established with respect to any responsive pleading or motion;

ACCORDINGLY, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel for the undersigned parties, subject to Court approval, as follows:

1. No Defendant is required to respond to the Amended Complaint (Docket No. 19) previously filed in this Action.

2. The parties shall meet and confer to discuss in good faith a schedule for Defendants to answer, move, or otherwise respond to the operative complaint, including any motion pursuant to Federal Rule of Civil Procedure 12, and within 15 days of the designation of the operative complaint shall file with the Court a joint stipulation for scheduling of any pre-answer motions and/or joinder of issue.

3. Nothing herein shall be deemed to constitute a waiver of any rights, defenses, objections or any other application to any court that any party may have with respect to the claims set forth in the Amended Complaint (Docket No. 19).

DATED: May 10, 2021

SQUITIERI & FEARON, LLP

/s/ Olimpio Lee Squitieri

Olimpio Lee Squitieri
32 East 57th Street, 12th Floor
New York, New York 10022

Attorney for Plaintiff Joshua Schmitt

DATED: May 10, 2021

CAMPBELL & WILLIAMS

/s/ J. Colby Williams

J. Colby Williams (*Pro Hac Vice*)
700 South Seventh Street
Las Vegas, Nevada 89101

Attorney for Defendants Jie Han, XD Engineering Plastics Company Limited, Faith Horizon, Inc., and Faith Dawn Limited

DATED: May 10, 2021

LEWIS ROCA ROTHGERBER CHRISTIE
LLP

/s/ Darren J. Lemieux

Darren J. Lemieux (*Pro Hac Vice*)
One East Liberty Street, Suite 300
Reno, Nevada 89501

Attorney for Defendant China XD Plastics Company Limited and Taylor Zhang

DATED: May 10, 2021

HOGAN LOVELLS US LLP

/s/ Ryan M. Philp

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Tel. (212) 918-3000

*Attorney for Defendants Linyuan Zhai, Huiyi
Chen, and Guanbao Huang*

PURSUANT TO STIPULATION, IT IS SO ORDERED

DATED:

The Honorable Nicholas G. Garaufis
United States District Court Judge

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of May, 2021, I caused the foregoing document to be filed and served electronically using the Court's CM/ECF system, which automatically sent a notice of electronic filing to all counsel of record.

DATED: May 10, 2021

/s/ Ryan M. Philp

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*Attorney for Defendants Linyuan Zhai, Huiyi
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